

Sec. 21-332. Variances.

Requests for a variance from the requirements of this chapter shall be in accordance with the following criteria:

- (1) *Application for variance.* An application for a variance shall be submitted to the ZBA by filing a copy of the application with the administrator in the planning department. Public hearings for such applications shall be in conformance with the applicable provisions of Article XII.
- (2) *Variance criteria.* A variance may be granted by the ZBA if it concludes that strict enforcement of this chapter would result in practical difficulties or unnecessary hardships for the applicant. The ZBA, in granting a variance, shall ensure that the spirit of this chapter is maintained, public welfare and safety ensured, and substantial justice done. The board may reach these conclusions if it makes the following findings:
 - a. The applicant can make no reasonable use of the property if the provisions of this chapter are strictly followed;
 - b. The hardship or difficulty is one suffered only by the applicant, not the neighbors or the general public;
 - c. The hardship is caused by circumstances related to the applicant's land, not his/her personal or financial situation;
 - d. The hardship is not one shared by many surrounding properties;
 - e. The hardship or difficulty is not the result of the applicant's own actions; and
 - f. The variance will not result in a land use otherwise not permitted in the applicable zoning district nor authorize the extension of a nonconforming situation in violation of article VI, or other applicable provisions of this chapter.
- (3) *Conditions.* In granting variances, the ZBA may impose reasonable conditions, including a limitation on the duration of the variance, to ensure that the property to which the variance applies will be as practicable with surrounding properties. All such conditions are enforceable as any other applicable requirement of this article.

(Ord. of 1-19-98, § XIV)

Part I — Administrative

CHAPTER 1 ADMINISTRATION

SECTION R101 TITLE, SCOPE AND PURPOSE

R101.1 Title. These provisions shall be known as the *North Carolina Residential Code for One- and Two-family Dwellings* and shall be cited as such and will be referred to herein as this code. These regulations were adopted by the North Carolina Building Code Council on March 11, 2008, to be effective January 1, 2009. References to the International Codes shall mean the North Carolina Codes.

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above-grade in height with a separate means of egress and their accessory buildings and structures. Accessory buildings with any dimension greater than 12 feet (3658 mm) must meet the provisions of this code. Accessory buildings may be constructed without a masonry or concrete foundation, except in coastal high hazard or ocean hazard areas, provided all of the following conditions are met:

1. The building shall not exceed 400 square feet (37 m²) or one story in height;
2. The building is supported on a wood foundation of a minimum 2x6 or 3x4 mud sill of approved wood in accordance with Section 319; and
3. The building is anchored to resist overturning and sliding by installing a minimum of one ground anchor at each corner of the building. The total resisting force of the anchors shall be equal to 20 psf (958 Pa) times the plan area of the building.

Accessory structures are not required to meet the provisions of this code, except decks, gazebos and retaining walls as required by Section R404.1.3. For swimming pools and spas, see Appendix G.

R101.3 Purpose. The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

SECTION R102 APPLICABILITY

R102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the code text.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. For requirements of existing structures, refer to the North Carolina Administrative Code and Policies.

R102.7.1 Additions, alterations or repairs. The requirements for additions, alterations or repairs may be found in the North Carolina Administrative Code and Policies.

SECTION R103 DEPARTMENT OF BUILDING SAFETY Deleted

Information concerning the creation and operation of inspections departments may be found in the North Carolina Administrative Code and Policies.

Part II — Definitions

CHAPTER 2 DEFINITIONS

SECTION R201 GENERAL

R201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

R201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

R201.3 Terms defined in other codes. Where terms are not defined in this code such terms shall have meanings ascribed to them as in other code publications of the International Code Council.

R201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION R202 DEFINITIONS

ACCEPTED ENGINEERING PRACTICE. Design, analysis and testing methods that are used in developing design solutions for compliance with the requirements of this code. Accepted engineering practice is the level at which the average, prudent designer in a given community would practice.

ACCESSIBLE. Signifies access that requires the removal of an access panel or similar removable obstruction.

ACCESSIBLE, READILY. Signifies access without the necessity for removing a panel or similar obstruction.

ACCESSORY BUILDINGS. In one- and two-family dwellings not more than three stories high with separate means of egress. A building where its use is incidental to that of the main building and is detached and located on the same lot.

ACCESSORY STRUCTURE. Accessory structure is any structure not roofed over and enclosed that is not considered an accessory building located on one- and two-family dwelling sites which is incidental to that of the main building. Examples of accessory structures are fences, decks, gazebos, arbors, retaining walls, barbecue pits, detached chimneys, tree houses, playground equipment, yard art, etc. Accessory structures are not required to meet the provisions of this code, except decks, gazebos and retaining walls as required by Section R404.1.3.

ADDITION. An extension or increase in floor area or height of a building or structure.

AIR ADMITTANCE VALVE. Deleted.

AIR BREAK (DRAINAGE SYSTEM). Deleted.

AIR CIRCULATION, FORCED. Deleted.

AIR-CONDITIONING SYSTEM. Deleted.

AIR GAP, DRAINAGE SYSTEM. Deleted.

AIR GAP, WATER-DISTRIBUTION SYSTEM. Deleted.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

ANCHORS. See "Supports."

ANTISIPHON. Deleted.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

APPROVED. Acceptable to the building official.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

ASPECT RATIO. The ratio of the height to width (h/w) of a shear wall. The shear wall height is the maximum clear height from top of foundation or diaphragm to bottom of diaphragm framing above and the shear wall width is the sheathed dimension in the direction of applied force on the shear wall.

ATTIC. The unfinished space between the ceiling joists of the top story and the roof rafters.

BACKFLOW, DRAINAGE. Deleted.

BACKFLOW PREVENTER. Deleted.

BACKFLOW PREVENTER, REDUCED-PRESSURE-ZONE TYPE. Deleted.

BACKFLOW, WATER DISTRIBUTION. Deleted.

BACKPRESSURE. Deleted.

BACKPRESSURE, LOW HEAD. Deleted.

BACKSIPHONAGE. Deleted.

BACKWATER VALVE. Deleted.

BALCONY, EXTERIOR. An exterior floor projecting from and supported by a structure without additional independent supports.

BALL COCK. Deleted.